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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC.
VYTORIN/ZETIA SECURITIES
LITIGATION

08-CV-2177 (DMC) (JAD)

**NOTICE OF MOTION FOR
SUMMARY JUDGMENT**

Return Date: April 2, 2012

Oral Argument Requested

PLEASE TAKE NOTICE THAT, Defendants Merck & Co., Inc., Merck/Schering-Plough Pharmaceuticals, MSP Distribution Services (C) LLC, MSP Singapore Company LLC, Richard T. Clark, Peter S. Kim, and Deepak Khanna (collectively, the “Defendants”), by their attorneys Tompkins, McGuire, Wachenfeld & Barry LLP, Paul, Weiss, Rifkind, Wharton & Garrison LLP and Lowenstein Sandler PC, will move this Court for an Order granting their Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, and dismissing with prejudice Plaintiffs’ Second Amended Consolidated Complaint For Violation of the Federal Securities Laws.

PLEASE TAKE FURTHER NOTICE THAT, in support of their Motion, Defendants will rely upon the Memorandum of Law In Support Of The Merck Defendants’ Motion For Summary Judgment, their Local Civil Rule 56.1 Statement of Undisputed Material Facts, the accompanying Affidavit of Andrew G. Gordon and annexed exhibits, and all other papers previously on file or to be submitted herein. A proposed form of Order is enclosed.

PLEASE TAKE FURTHER NOTICE THAT, Defendants respectfully request oral argument.

Dated: March 1, 2012
Newark, New Jersey

**TOMPKINS, MCGUIRE,
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By: 

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